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IN THE MATTER OF:

Mark Bogart

Mark Bogart

v.

Navient / US Dept of Education and RBS
Citizens NA

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

CHAPTER 7

CASE NO: 16-34320

ADV.NO

COMPLAINT FOR DISCHARGE OF STUDENT
LOAN DEBT PURSUANT TO 11 USC
523(a)(8)

The Plaintiff Mark Bogart by through his Counsel the Law
Firm of Andre L. Kydala by way of Complaint against the Defendants
Navient/US Dept of Education and RBS Citizens NA alleges as follows:

NATURE OF THE ACTION

1. This adversary proceeding arises out of Debtor's Case No. 16-34320 under title 11 of the United States Bankruptcy Code filed on 12/23/2016.
2. This Adversary Proceeding seeks to determine the discharge ability of student loan debt under 11 USC 523(a)(8).
3. The Plaintiff is disabled and cannot work repayment would cause an undue hardship.
4. The Plaintiff owes approximately \$130,000.00 to the

5. The obligations are made under a program funded in whole or in part by a governmental unit.

JURISDICTION AND VENUE

6. This Court has Jurisdiction over the within adversary proceedings pursuant to 28 USC 157 and 1334.
7. This matter comes before the court as a core proceeding pursuant to 28 USC 157(b)(2)(I).
8. Venue is proper in this Judicial District pursuant to 11 USC 1409(a) and 139(b) as the bankruptcy proceeding is pending in this district.
9. Venue is also proper in this Judicial District pursuant to 11 USC 1965 (a) and (b) because upon information and belief the debtor resides in this district.

PARTIES

10. Plaintiff is a resident of the State of New Jersey.
11. The Defendant Navient is a provider of student loans with its primary place of business being 2001 Edmund Halley Drive Reston Va 20191.
12. The Defendant US Department of Education is a provider of student loans with its primary place of business being 400 Maryland Ave SW Washington DC 20191.
13. The Defendant RBS Citizens Bank is a provider of student loans with its primary place of business being One Citizens Plaza, Providence RI 02903.

FACTS COMMON TO ALL COUNTS

14. Plaintiff filed bankruptcy on or about December 23 2016.

15. On or about July 31 2011 the Plaintiff while a second year law student at Loyola Law in New Orleans, Louisiana was involved in a pedestrian/Motor Vehicle accident which caused a traumatic brain injury (TBI). The Plaintiff while exiting a taxi cab was injured when the cab driver drove away while the Plaintiff was still partially in the cab. The Plaintiff fell striking the back of his head. An x ray taken at the hospital revealed a 5 inch skull fracture and a hematoma on his brain. A TBI was diagnosed by a Doctor in New Orleans, Louisiana and subsequently when the Plaintiff returned home to New Jersey by NYU Langone Medical Center

16. Due to the Plaintiffs disability the trustee conducted the 341 by written interrogatories.

17. Plaintiff's disability renders him permanently unable to work and repayment of the loans impossible and a hardship.

Wherefore Plaintiff requests that this Court determine that the Plaintiff be discharged of all his debts to the Defendants.

Dated 3/18/2017

/s/Andre L. Kydala